

Legal dispute from 2008 gubernatorial campaign lives on

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Republican gubernatorial candidate Dino Rossi speaks at a news conference with his wife, Terry, at his campaign headquarters Wednesday, Nov. 5, 2008, in Redmond, Wash. Rossi conceded Tuesday's closely-contested election to incumbent Gov. Chris Gregoire. (AP Photo/Elaine Thompson)

ELAINE THOMPSON — AP

This court case is so old that the defendant is no longer the campaign heavyweight it once was, the candidates the defendant supported and opposed are both out of elected office, and the lead plaintiff is dead.

But the case lives on after [a decision Thursday by the state Supreme Court.](#)

The 8-to-1 ruling sends the case of Utter v. Building Industry Association of Washington back to a King County court for more proceedings.

[The case](#) involves Republican Dino Rossi's 2008 rematch with Gov. Chris Gregoire, which Democrat Gregoire won. Two retired Supreme Court justices, Faith Ireland and the late Robert Utter, accused the builders' association of wrongdoing in its campaigning for Rossi.

After a state investigation, [an arm of BIAW paid hundreds of thousands of dollars in a 2010 settlement.](#)

An appeals court found the investigation precluded the lawsuit from going forward, but the Supreme Court reversed that decision. State law allows for citizens to sue when state attorneys don't, the high court said.

"The statute is obviously based on the notion that the government *may be wrong*, and then it is up to citizens to expose the violation," Justice Sheryl Gordon McCloud wrote for the majority.

The Supreme Court also found the plaintiffs presented enough evidence to raise real questions about whether BIAW should have registered as a political committee.

Groups have to register as political committees and disclose finances to the state if campaigning is "one of their primary purposes," even if it's not "the primary purpose," the court declared, a point that could have implications in future campaigns.

Fatigue with the case showed up in Chief Justice Barbara Madsen's lone dissent, which said the state investigation long ago addressed the essence of the legal complaint.

"It is time for the parties to move on," Madsen wrote.

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